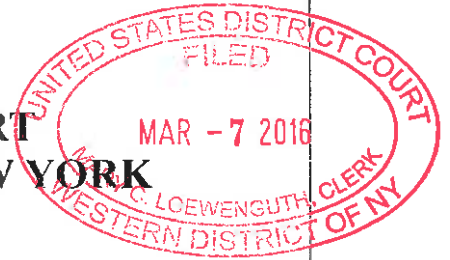


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UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK



Jonathan Paul Catlin  
Plaintiff

vs.

First National Credit Card, Inc.  
Defendant

CASE NO. 16 CV 6146  
JUDGE: Larimer

COMPLAINT FOR VIOLATIONS OF 47  
U.S.C. §227;  
STATUATORY DAMAGES  
and PUNITIVE DAMAGES

DEMAND FOR TRIAL BY JURY

INTRODUCTION & OPENING STATEMENT

This is an action brought by Plaintiff against First National Credit Card, Inc. for violations of the Telephone Consumer Protection Act, 47 USC § 227 (herein after "47 USC § 227").

I. JURISDICTION and VENUE

1. This action arises under 47 U.S.C. §227. The jurisdiction of this court is founded on federal question jurisdiction, 28 U.S.C. §1331.
2. Venue is proper because the events giving rise to Plaintiff's causes of action occurred within this district, as provided in 28 U.S.C. § 1391(b)(2).

II. PARTIES

3. Plaintiff, Jonathan Paul Catlin, herein after "Plaintiff", at all times relevant herein, was domiciled in the town of Naples, New York.
4. Plaintiff is informed and believes that Defendant, First National Credit Card, Inc., herein after "Defendant", is a South Dakota Corporation. Defendant's principle correspondence address is First National Credit Card, PO Box 5097, Sioux Falls, SD 57117-5097.

**PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

5. The plaintiff has **not** begun any other lawsuits in state or federal court dealing with the same facts involved in this action.

**CONDITIONS PRECEDENT**

6. All conditions precedent have been performed or have occurred.

**COUNT I**

**(47 U.S.C. §227; Placing calls to a personal cell phone using an automated dialer)**

7. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 7 above and incorporates the same as if set forth in full.

8. During the year 2014, Defendant called Plaintiff's personal cell phones (585-775-9109 and 208-627-3950) multiple times. Plaintiff intends to propound discovery to determine the exact number of calls which defendant placed to his cell phones.

9. Upon information and belief, Defendant used an automatic telephone dialing system to place these calls.

10. Plaintiff never provided his personal cell phone numbers of 585-775-9109 or 208-627-3950 to Defendant or provided any express consent for Defendant to call either number.

11. The federal basis for this claim is 47 U.S.C. §227(b)(1)(A) and 47 U.S.C. §227(b)(3).

WHEREFORE, Plaintiff prays for statutory damages (\$1,500.00 per call) and punitive damages against Defendant.

**SUMMARY OF RELIEF SOUGHT**

WHEREFORE, Plaintiff prays for relief against Defendant as follows:

- a) For statutory damages in the amount of \$1,500.00 per call.
- b) For punitive damages in the amount allowed by law.
- c) Reasonable legal costs & fees, along with costs of suit.
- d) Reasonable costs of time to pursue suit; and,
- e) Such other relief as this Court may find to be just and proper.

**DEMAND FOR TRIAL BY JURY**

1 I DECLARE UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE AND  
2 CORRECT TO THE BEST OF MY KNOWLEDGE.

3  
4 EXECUTED this 30<sup>th</sup> day of January, 2016.  
5

6  
7   
8 Original Signature

9  
10 Jonathan Paul Catlin  
11 c/o PO Box 313  
12 Naples, Idaho  
13 cell: 208-627-3950  
14 e-mail: myfriendstenthousand@gmail.com  
15

16 *In Proper Person*  
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Exhibit A

## AFFIDAVIT OF JONATHAN PAUL CATLIN

STATE OF IDAHO )  
 ) ss  
COUNTY OF BONNER )

Comes now, Jonathan Paul Catlin, your Affiant, being competent to testify and being over the age of 21 years of age, after first being duly sworn according to law to tell the truth to the facts related herein states that he has firsthand knowledge of the facts stated herein and believes these facts to be true to the best of his knowledge.

1. Affiant has never given express consent to First National Credit Card, Inc. to call Affiant's personal cell phones (585-775-9109 or 208-627-3950).
2. During the year 2014, Affiant received multiple calls from First National Credit Card, Inc. on his personal cell phones (phone numbers 585-775-9109 and 208-627-3950). Affiant believes these calls to have been placed using an automatic telephone dialing system.

Further, Affiant sayeth naught.


*Jonathan Paul Catlin*  
Jonathan Paul Catlin

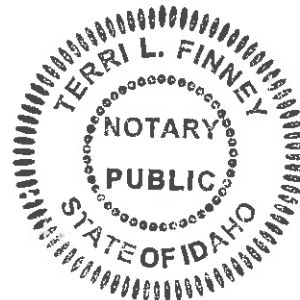
1/6/16  
Date

State of Idaho  
County of Bonner

Subscribed and sworn to (or affirmed) before me on this 10 day of January, 2016  
by Jonathan Paul Catlin, proved to me on the basis of satisfactory evidence to be the  
person who appeared before me.

person who appeared before me.

 (Seal)  
Notary Public



Jonathan Gelman  
PO Box 313  
New York, NY 10838-0313

Clerk, US District Court  
2120 US Courthouse  
100 State Street  
Rochester, NY 14614-1387

